

601 KAR 14:020. Bicycle safety standards.

RELATES TO: KRS Chapter 189

STATUTORY AUTHORITY: KRS 174.125, 189.287

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 189 sets forth many bicycle safety standards that can be overridden by administrative regulations promulgated by the Transportation Cabinet. The Bicycle and Bikeways Commission authorized by KRS 174.125 has suggested that with the ever-growing use of bicycles in Kentucky additional or different standards are necessary for the safety of the traveling public. This administrative regulation sets forth the required bicycle safety standards.

Section 1. Front Lights. A bicycle operated on a highway during the hours or atmospheric conditions described in KRS 189.030(1) shall be equipped with one (1) front light which clearly reveals substantial objects at least fifty (50) feet ahead and which is visible for 500 feet.

Section 2. Rear Lights or Reflectors. A bicycle, when operated on a highway or highway shoulder, shall display on either the bicycle or the bicyclist so that it is visible from the rear of the bicycle:

(1) One (1) red reflector or red light visible for at least 100 feet; and

(2) During the hours or atmospheric conditions described in KRS 189.030(1), one (1) red light or flashing red light visible for at least 500 feet.

Section 3. Horn or Bell. (1) A bicycle may be equipped with a bell, horn or other device capable of making an abrupt sound.

(2) Every person operating a bicycle shall shout or sound the bell, horn or sound device whenever necessary as a warning of the approach of the bicycle to pedestrians or other bicycles, but shall not sound the horn or sound device unnecessarily.

(3) A bicycle shall not be equipped with a siren or whistle.

Section 4. Brakes. A bicycle shall not be operated on a highway or highway shoulder without brakes adequate to control the movement of and to stop the bicycle.

Section 5. Seat. A bicyclist, when operating on a highway or highway shoulder, shall ride on or astride a permanently attached bicycle seat.

Section 6. Passengers. A bicycle, when being operated on a highway or highway shoulder, shall not carry more than the number of persons for which the bicycle was designed or is safely equipped.

Section 7. Packages. A bicyclist, when operating on a highway or highway shoulder, shall not carry a package, bundle, or article that prevents the operator from keeping at least one (1) hand on the handle bars.

Section 8. Prohibition Against Attaching to Vehicles. A bicyclist, when operating on a highway or highway shoulder, shall not attach either the bicycle or himself to any other vehicle.

Section 9. Operation of Bicycles. A bicycle shall be operated in the same manner as a motor vehicle except the following traffic conditions shall apply:

(1) A bicycle may be operated on the shoulder of a highway;

(2) If a highway lane is marked for the exclusive use of bicycles, the operator of a bicycle shall use the lane whenever feasible;

(3) Not more than two (2) bicycles shall be operated abreast in a single highway lane. (20 Ky.R. 1508; Am. 2037; eff. 2-10-94.)

174.120 Statewide bicycle and bikeways program.

(1) The Transportation Cabinet shall develop and coordinate a statewide bicycle and bikeways program and shall coordinate plans for promotion of bicycling and promotion of bikeways with other state agencies, and units of local government in order to maximize the use of roads, streets, parks and other publicly owned lands, abandoned road beds, and other resources in the development of bikeways.

(2) The cabinet shall:

(a) Assist and cooperate with local governments and other agencies in the development and construction of local and regional bikeway projects;

(b) Develop and publish policies, procedures, and standards for planning, designing, and constructing, maintaining, marking, and operating bikeways in the state, and for the safety of bicyclists, motorists, and the public;

(c) Develop bikeway demonstration projects and safety training programs; and

(d) Develop and construct a State Bikeway System.

(3) (a) The cabinet shall be authorized to appropriate needed funds for the program in

the biennial budget, subject to approval of the General Assembly.

(b) The cabinet is authorized to obtain any federal, state, local, or private funds available to the cabinet, and designated for the purpose of this section and KRS 174.125.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 111, sec. 1, effective July 14, 1992.

138.450 Definitions for KRS 138.455 to 138.470.

As used in KRS 138.455 to 138.470, unless the context requires otherwise:

(1) "Current model year" means a motor vehicle of either the model year corresponding to the current calendar year or of the succeeding calendar year, if the same model and make is being offered for sale by local dealers;

(2) "Dealer" means "motor vehicle dealer" as defined in KRS 190.010;

(3) "Dealer demonstrator" means a new motor vehicle or a previous model year motor vehicle with an odometer reading of least one thousand (1,000) miles that has been used either by representatives of the manufacturer or by a licensed Kentucky dealer, franchised to sell the particular model and make, for demonstration;

(4) "Historic motor vehicle" means a motor vehicle registered and licensed pursuant to KRS 186.043;

(5) "Motor vehicle" means any vehicle that is propelled by other than muscular power and that is used for transportation of persons or property over the public highways of the state, except road rollers, mopeds, vehicles that travel exclusively on rails, and vehicles propelled by electric power obtained from overhead wires;

(6) "Moped" means either a motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour;

(7) "New motor vehicle" means a motor vehicle of the current model year which has not previously been registered in any state or country;

(8) "Previous model year motor vehicle" means a motor vehicle not previously registered in any state or country which is neither of the current model year nor a dealer demonstrator;

(9) "Total consideration given" means the amount given, valued in money, whether received in money or otherwise, at the time of purchase or at a later date, including consideration given for all equipment and accessories, standard and optional, as attested to in a notarized affidavit signed by both the buyer and the seller. The signatures of the buyer and seller shall be individually notarized. "Total consideration given" shall not include:

(a) Any amount allowed as a manufacturer or dealer rebate if the rebate is provided at the time of purchase and is applied to the purchase of the motor vehicle;

(b) Any interest payments to be made over the life of a loan for the purchase of a motor vehicle; and

(c) The value of any items that are not equipment or accessories including but not limited to extended warranties, service contracts, and items that are given away as part of a promotional sales campaign;

(10) "Trade-in allowance" means the value assigned by the seller of a motor vehicle to a motor vehicle offered in trade by the purchaser as part of the total consideration given by the purchaser and included in the notarized affidavit attesting to total consideration given;

(11) "Used motor vehicle" means a motor vehicle which has been previously registered in any state or country;

(12) "Retail price" of motor vehicles shall be determined as follows:

(a) For new, dealer demonstrator, previous model year motor vehicles and UDrive-It motor vehicles that have been transferred within one hundred eighty (180) days of being registered as a U-Drive-It and that have less than five thousand (5,000) miles, "retail price" shall be the total consideration given at the time of purchase or at a later date, including any trade-in allowance as attested to in a notarized affidavit. If a notarized affidavit signed by both the buyer and seller is not available to establish total consideration given, "retail price" shall be:

1. Ninety percent (90%) of the manufacturer's suggested retail price of the vehicle with all equipment and accessories, standard and optional, and transportation charges; or

2. Eighty-one percent (81%) of the manufacturer's suggested retail price of the vehicle with all equipment and accessories, standard and optional, and transportation charges in the case of new trucks of gross weight in excess of ten thousand (10,000) pounds; and

3. "Retail price" shall not include that portion of the price of the vehicle attributable to equipment or adaptive devices necessary to facilitate or accommodate an operator or passenger with physical disabilities;

(b) For historic motor vehicles, "retail price" shall be one hundred dollars (\$100);

(c) For used motor vehicles being registered by a new resident for the first time in Kentucky whose values appear in the automotive reference manual prescribed by the Revenue Cabinet, "retail price" shall be the average trade-in value given in the reference manual;

(d) For the older used motor vehicles being registered by a new resident for the first time in Kentucky whose values no longer appear in the automotive reference manual, "retail price" shall be one hundred dollars (\$100);

(e) For used motor vehicles previously registered in another state or country that were purchased out-of-state by a Kentucky resident who is registering the vehicle in Kentucky for the first time, "retail price" shall be the total consideration given at the time of purchase or at a later date, including the average trade-in value given in the automotive reference manual prescribed by the Revenue Cabinet for any vehicle given in trade;

(f) For used motor vehicles previously registered in Kentucky that are sold in Kentucky, and U-Drive-It motor vehicles that are not transferred within one hundred eighty (180) days of being registered as a U-Drive-It or that have more than five thousand (5,000) miles, "retail price" means the total consideration given, excluding any amount allowed as a trade-in allowance by the seller. The trade-in allowance shall be disclosed in the notarized affidavit signed by the buyer and the seller attesting to the total consideration given. If a notarized affidavit signed by both the buyer and the seller is not available to establish the total consideration given for a motor vehicle, "retail price" shall be established by the Revenue Cabinet through the use of the automotive reference manual prescribed by the Revenue Cabinet;

(g) Except as provided in KRS 138.470(6), if a motor vehicle is received by an individual as a gift and not purchased or leased by the individual, "retail price" shall be the average trade-in value given in the automotive reference manual prescribed by the Revenue Cabinet;

(h) If a dealer transfers a motor vehicle which he has registered as a loaner or rental motor vehicle within one hundred eighty (180) days of the registration, and if less than five thousand (5,000) miles have been placed on the vehicle during the period of its registration as a loaner or rental motor vehicle, then the "retail price" of the vehicle shall be the same as the retail price determined by paragraph (a) of this subsection computed as of the date on which the vehicle is transferred; and

(13) "Loaner or rental motor vehicle" means a motor vehicle owned or registered by a

dealer and which is regularly loaned or rented to customers of the service or repair component of the dealership.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 26, sec. 1, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 166, sec. 2, effective July 15, 1998; and ch. 600, sec. 3, effective April 14, 1998. -- Amended 1994 Ky. Acts ch. 54, sec. 1, effective July 15, 1994; and ch. 405, sec. 16, effective July 15, 1994. - Amended 1992 Ky. Acts ch. 269, sec. 1, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 431, sec. 2, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 194, sec. 1, effective July 15, 1982; and ch. 387, sec. 2, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 349, sec. 1, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 6, sec. 6. -- Amended 1976 Ky. Acts ch. 349, sec. 1, effective July 1, 1976. -- Amended 1968 Ky. Acts ch. 40, Part III, sec. 1. -- Amended 1960 Ky. Acts ch. 186, Art. IV, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4281i-1.

148.630 Classes of trails established.

The state system of trails shall be composed of:

(1) State scenic trails, which will be extended trails so located as to provide maximum potential for the appreciation of natural areas and for the conservation and enjoyment of the significant scenic, historic, natural, ecological, geological, and cultural qualities of the areas through which such trails pass. Each of these trails will be limited exclusively to foot use, except that the use of horses or off-road motorized vehicles or nonmotorized bicycles may also be permitted on segments of scenic trails where specifically designated by the department. Because of their extended length, the state scenic trails shall be supplemented by support facilities but only on that part of a trail which is in a state park or recreation area. Such support facilities may include, where deemed necessary and feasible, primitive shelters, fireplaces, safe water supply, and other related public-use facilities. These facilities shall comply with the state's health standards. No open wood fires shall be permitted on state scenic trails except in areas with support facilities specifically designated for such purpose.

(2) State recreation trails, which will provide a variety of outdoor recreation uses in or reasonably accessible to urban areas. These trails may be of the following types: foot, horse, off-road motorized vehicles or nonmotorized bicycles as specifically designated by the department.

(3) Connecting or side trails, which will provide additional points of public access to state recreation trails, state scenic trails, or which will provide connections between such trails. They shall be of the nature of the trails they serve.

History: Created 1974 Ky. Acts ch. 288, sec. 4.